

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LAWRENCE HAMILTON,

No. C 18-2795 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

v.

RICK HILL, Warden,

Respondent.


Petitioner, a state prisoner currently incarcerated at Folsom State Prison, has filed a second or successive petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He challenges a conviction and sentence from Alameda County Superior Court in 2007. He challenged the same criminal judgment in a prior petition. *See Hamilton v. Evans*, No. C. 09-3072 WHA (PR). A second or successive petition may not be filed in this court unless petitioner first obtains from the United States Court of Appeals for the Ninth Circuit an order authorizing this court to consider the petition. *See* 28 U.S.C. § 2244(b)(3)(A). Petitioner has not sought or obtained such an order from the Ninth Circuit. The petition is accordingly **DISMISSED** without prejudice to refiling if petitioner obtains the necessary order.

Petitioner asserts in the petition that he is seeking relief under 28 U.S.C. 2255. Section 2255 provides a remedy for prisoners sentenced in federal court, not state court. As petitioner was convicted and sentenced in state court, he may not obtain relief under Section 2255.

1 No certificate of appealability is warranted in this case because a reasonable jurist would
2 not find the dismissal of this petition debatable or wrong. *Slack v. McDaniel*, 529 U.S. 473, 484
3 (2000). The clerk shall enter judgment and close the file.

4 **IT IS SO ORDERED.**

5 Dated: July 20, 2018.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE